

# THE APPELLATE TAX BOARD

The Executive Office for Administration and Finance  
Commonwealth of Massachusetts



STRATEGIC PLAN-IN-BRIEF  
2013-2015

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Thomas W. Hammond, Jr. | Chairman

## MESSAGE FROM THE CHAIRMAN

The ATB is one of the most important but least understood of all state agencies. It has exclusive, original jurisdiction over billions of dollars of taxes in appeals of every type of state and local property tax assessment. The ATB has the subject matter expertise to decide complex tax matters as well as real estate valuation cases, personal property tax appeals and even water bill cases. The ATB has the unique role of processing thousands of cases each year in an efficient and timely manner. The ATB's decisions and written opinions are meticulously researched and edited to insure that they are consistent with applicable law, clearly written, and understandable. The staff of the ATB is mindful of its tremendous responsibilities to the taxpayers and taxing authorities and is dedicated to providing the mechanisms to resolve appeals in the most expeditious

manner possible. As Chairman, I work with my dedicated and experienced staff every day to insure that the ATB provides a tax appeal process that is fair, consistent and conforms to the statutory provisions that govern taxation in Massachusetts. The ATB remains committed to insuring that its mission is met with integrity and fundamental fairness.

**Thomas W. Hammond, Jr.**  
**Chairman**

**This document was developed pursuant to Executive Order 540 which calls on state government to develop and publish strategic plans and institute performance management.**

**As an agency affiliated with the Executive Office for Administration and Finance (A&F), the Appellate Tax Board's 2013-2015 Strategic Plan aligns and supports the overarching goals set forth in the A&F Strategic Plan.**

# MISSION, VISION AND POLICY CONTEXT

## OVERVIEW

The Appellate Tax Board (ATB) is a quasi-judicial agency within the Executive Office for Administration and Finance (A&F) but not subject to its control in the conduct of adjudicatory matters. The ATB was established by the Legislature in 1929 to relieve the Superior Court of the large volume of tax appeals and to provide taxpayers with a less expensive and more expedient means of appeal. The Board handles appeals related to virtually all state taxes and excises as well as appeals of local property taxes from all 351 cities and towns in the Commonwealth.

Over ninety percent of the petitions with the ATB are appeals of local property taxes. The remaining cases are appeals by taxpayers relating to all state taxes including: income tax, sales and use tax, corporate excise tax, bank excise tax, estate tax and others. The ATB also has jurisdiction to hear appeals by cities and towns of valuations set by the Department of Revenue that are used in computing local aid and state assessments.

Although appeals involving state taxes and excises comprise on average only six to ten percent of the total number of cases filed with the Board, they generally require more time and resources as they

often involve interpretation of state tax statutes.

## ACHIEVEMENTS

As a result of the ATB's aggressive management of its pending cases, there has been a dramatic increase in the number of decided and settled cases.

In addition to scheduling more pre-trial and status conferences to facilitate settlements, the ATB has also issued record numbers of decisions and written opinions over the last several years, while maintaining its exemplary record of affirmance in over 90 percent of the decisions appealed to the Massachusetts appellate courts. Over the last four and a half years, the ATB has made outstanding progress in expediting the appeal process and has decided a number of major cases with significant fiscal impact on the Commonwealth and its municipalities.

The following are examples of specific achievements in the improvement of the ATB's operations:

- The ATB continually updates its [website](#) with its latest written opinions, recent ATB decision of broad public interest, the ATB's rules, printable copies of its forms, a guide

## MISSION

The ATB is committed to resolving tax appeals in an expeditious fashion and maintaining an appeal process which is fair, understandable and accessible to all litigants, including pro se taxpayers. By efficiently resolving tax disputes, the ATB ensures fairness to taxpayers, predictability in the enforcement of tax laws, and uninterrupted cash flows to the state and municipalities.

## VISION

Through increased mediation and public outreach, the ATB intends to build on its efficiencies, by increasing voluntary settlement of appeals, thereby leveraging more of its resources to the decision-making process.

for real estate tax appeals, and other information helpful to taxpayers and taxing authorities.

- The ATB aggressively schedules appeals to expedite resolution. As a result, many single family residential property cases are heard and decided within six months of the date the taxpayer first files an appeal.
- In more complex cases, which may require discovery, the retention of expert witnesses by the parties, and other pre-trial procedures, the ATB actively facilitates the settlement, mediation, and efficient litigation of the appeals through pre-trial conferences and discovery orders. In those cases that are tried, the ATB issues decisions within three to six months of hearing in most cases.
- By disposing of 756 more appeals in fiscal year 2011 than in the previous fiscal year, the Board was able to reduce its inventory of pending cases by over 10% to a five-year low of 11,748 pending appeals.

## CHALLENGES

The workload of the ATB is counter-cyclical – as the economy worsens the

number of case filings and hearings increase. This results in the following:

- An upsurge in case filings, less inclination on the part of parties to settle, and an increase in the number of appeals that go to trial. This increase along with, reductions in staff and space resulting from budget cuts challenge the ATB's ability to handle this increased work load. In light of this trend, the ATB instituted a number of initiatives to keep cases moving quickly through the process.
- The revenue crunch, coupled with a poor real estate market for the last few years, has made assessment and collection of property taxes difficult and often contentious.
- As more of these complex cases are litigated, the demand for the Board's legal and administrative resources has increased significantly. Over the past few years the ATB has implemented staff reductions, recruited interns and legal volunteers, and instituted consolidations, and cost saving initiatives to meet budget shortfalls and overcome reductions in staff.

## Recent Findings of Fact and Reports

The ATB electronically transfers copies of its *Findings of Fact and Reports* to anyone requesting placement on the ATB's e-mail distribution list, including tax practitioners, municipal officials, the Department of Revenue, legal publishers, and other interested parties.

The ATB has finalized the upgrade to its website, including the posting of *Findings of Fact and Reports*. The website also contains the Board's rules, printable copies of its forms, a guide for real estate tax appeals, and other information helpful to taxpayers and taxing authorities.

## Case Management

The ATB was able to significantly reduce its pending case inventory by scheduling more status conferences, pre-trials, and a limited number of mediation sessions to help manage case flow and expedite resolution of appeals.

## STRATEGIC GOALS

As an organization affiliated with the Executive Office for Administration and Finance (A&F), the ATB advances several of A&F's strategic goals including Better Performance and Better Government. The ATB is committed to maintaining outstanding progress in expediting the appeal process and to providing excellent customer service to the people of the Commonwealth. The Board developed nine strategic goals which reflect its mission and vision and support the work of A&F. As depicted in the following pages, each of the goals set forth in the ATB Strategic Plan link to one of A&F's overarching strategic goals. Through this alignment, A&F and the ATB will work together to build an even better Commonwealth.

### APPELLATE TAX BOARD: NINE STRATEGIC GOALS



## ACTIONS

The Appellate Tax Board will take the following actions to deliver its strategic goals:

GOAL	ACTION
<b>A&amp;F Better Performance: Provide state government services and programs more effectively, efficiently and equitably</b>	
<b>PRE-TRIAL SETTLEMENTS:</b> Increase the number of appeals settled prior to a trial	<ul style="list-style-type: none"> <li>Aggressively schedule status and pre-trial conferences</li> <li>Develop in-house mediation program</li> </ul>
<b>DISSEMINATION OF INFORMATION:</b> Increase the amount and reach of information concerning the abatement process and Board procedures	<ul style="list-style-type: none"> <li>Enhance website to include more detailed instructions/videos on case presentation</li> <li>Enhance website to include cost-benefit analyses to guide the decision whether to litigate</li> </ul>
<b>TRIAL EFFICIENCY:</b> Increase the narrowing of contested issues of law and fact to be litigated	<ul style="list-style-type: none"> <li>Require parties to provide list of contested and uncontested issues</li> <li>Require parties to provide list of anticipated witnesses and exhibits</li> <li>Require parties to certify that discovery disputes have been discussed prior to filing motion</li> </ul>
<b>SCHEDULING EFFICIENCY:</b> Increase scheduling and hearing of property appeals to avoid hearings of multiple fiscal years concerning the same property	<ul style="list-style-type: none"> <li>Require parties to try not more than 2 fiscal years in one hearing concerning one property</li> </ul>
<b>CASE MANAGEMENT EFFICIENCY:</b> Improve case management capability to reduce inventory	<ul style="list-style-type: none"> <li>Create a case management administrator position to increase pre-trial dispositions</li> </ul>
<b>APPEALS:</b> Process all appeals in an efficient and timely manner at locations convenient to all parties	<ul style="list-style-type: none"> <li>Reduce the number of pending appeals</li> <li>Improve the cycle time for processing individual appeals</li> </ul>
<b>QUALITY OF ADJUDICATIONS:</b> Ensure that staff exemplify the highest levels of impartiality, integrity and expertise in the substantive areas of the law applicable to ATB's adjudications	<ul style="list-style-type: none"> <li>Reduce the number of decisions overturned</li> </ul>
<b>A&amp;F Better Government: Build trust in government by improving accountability, transparency and responsiveness</b>	
<b>CUSTOMER SATISFACTION:</b> Increase service quality and customer satisfaction	<ul style="list-style-type: none"> <li>Seek input of interested parties concerning possible improvements to practices</li> </ul>
<b>OUTREACH:</b> Enhance outreach to decrease case filings	<ul style="list-style-type: none"> <li>Include more detailed instruction and videos on case presentation and cost-benefit on the ATB website</li> <li>Pursue continued stakeholder engagement programs</li> </ul>

## OUTCOME MEASURES

The Appellate Tax Board will utilize the high-level performance measures presented below to assess success in delivering its strategic goals.

GOAL	MEASURE	DEFINITION/NOTE	DATA SOURCE	FREQ
<b>PRE-TRIAL SETTLEMENTS:</b> Increase the number of appeals settled prior to a trial	# of appeals settled prior to trial	This measure tracks the number of appeals settled prior to trial which saves time and ultimately costs by settling issues outside of court	Case tracking software	Semi-Annually
<b>DISSEMINATION OF INFORMATION:</b> Increase the amount and reach of information concerning the abatement process and Board procedures	# of hits on the ATB's procedures webpage	This measure tracks the number of hits on the procedures page: <a href="http://www.mass.gov/anf/hearings-and-appeals/oversight-agencies/atb/rules-of-practice-and-procedure-of-the.html">http://www.mass.gov/anf/hearings-and-appeals/oversight-agencies/atb/rules-of-practice-and-procedure-of-the.html</a>	Web Analytics	Semi-Annually
	# of hits on the ATB's abatement process webpage	This measure tracks the number of hits on the abatement process page: <a href="http://www.mass.gov/anf/hearings-and-appeals/oversight-agencies/atb/">http://www.mass.gov/anf/hearings-and-appeals/oversight-agencies/atb/</a>	Web Analytics	Semi-Annually
<b>TRIAL EFFICIENCY:</b> Increase the narrowing of contested issues of law and fact to be litigated	# of contested issues	By narrowing the number of contested legal and factual issues, the ATB saves litigants the time and expense of presenting evidence and arguments on issues that can be resolved before trial, ensuring a more efficient trial	Case tracking software	Semi-Annually
<b>SCHEDULING EFFICIENCY:</b> Increase scheduling and hearing of property appeals to avoid hearings of multiple fiscal years concerning the same property	# of property appeals on same property spanning multiple years	Hearings of multiple fiscal years in one trial causes unnecessary complexity and delay in the resolution of appeals, increasing the overall cost to litigants and potential interest expenses to municipalities	Case tracking software	Annually
<b>CASE MANAGEMENT EFFICIENCY:</b> Improve case management capability to reduce inventory	# of cases put through mediation and settled before trial	This measure tracks the number of cases successfully mediated and settled before trial – successful mediation saves time and ultimately costs by settling issues outside of trial	Case tracking software	Semi-Annually

GOAL	MEASURE	DEFINITION/NOTE	DATA SOURCE	FREQ
<b>APPEALS:</b> Process all appeals in an efficient and timely manner at locations convenient to all parties	# of cases opened	Aging cases can be evaluated based on number of cases opened, number pending, and number closed	Case tracking software	Semi-Annually
	# of cases pending	Aging cases can be evaluated based on number of cases opened, number pending, and number closed	Case tracking software	Semi-Annually
	# of cases closed	Aging cases can be evaluated based on number of cases opened, number pending, and number closed	Case tracking software	Semi-Annually
<b>QUALITY OF ADJUDICATIONS:</b> Ensure that staff exemplify the highest levels of impartiality, integrity and expertise in the substantive areas of the law applicable to our adjudications	# cases affirmed	This measure will evaluate appellate outcome experience based on cases affirmed and reversed	Appellate Process	Annually
	# of cases reversed	This measure will evaluate appellate outcome experience based on cases affirmed and reversed	Appellate Process	Annually
<b>CUSTOMER SATISFACTION:</b> Increase service quality and customer satisfaction	% of survey respondents reporting a positive customer service experience	A survey will be conducted annually on the ATB website to ensure users are satisfied with the usability of the site and helpfulness of forms provided online	TBD	Annually
<b>OUTREACH:</b> Enhance outreach to decrease case filings	# of case filings	By educating the public on the issues and evidence germane to an abatement proceeding, the ATB strives to encourage informal resolution of tax disputes, saving the parties the time and expense of litigation	Case tracking software	Annually